

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7617

Application of Advance Transit, Inc. for a certificate)
of public good authorizing the installation and)
operation of a 32 kW solar electric generating facility)
pursuant to 30 V.S.A. § 8007(a))

Order entered: 8/9/2010

I. INTRODUCTION

This case involves an application filed by Advance Transit, Inc. ("Applicant"), on July 7, 2010, requesting a certificate of public good ("CPG"), pursuant to 30 V.S.A. §§ 219a, 248(j), 8007(a) and Vermont Public Service Board ("Board") Rule 5.100, for a roof-mounted solar electric generating facility.

The Board has reviewed the application and accompanying documents and agrees that, pursuant to 30 V.S.A. §§ 219a, 248, 8007(a) and Board Rule 5.100, a CPG should be issued without further investigation or hearing.

II. PROCEDURAL HISTORY

On April 21, 2010, the Applicant filed a petition with the Board requesting a CPG pursuant to 30 V.S.A. § 248(j) to construct and operate a 32 kW solar electric generating facility. The petition included prefiled testimony and exhibits, proposed findings of fact, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j).

Notice of the petition was sent on June 2, 2010, to all entities specified in 30 V.S.A. § 248(a)(4)(c) and other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before July 2, 2010. A similar notice of the filing was published in *The Valley News* on June 4, 2010, and June 10, 2010.

In a June 2, 2010, memorandum, the Board requested additional information from the Applicant on the proposed project.

On June 7, 2010, Elizabeth Lord, Esq., entered an appearance on behalf of the Agency of Natural Resources.

On June 25, 2010, the Applicant filed the information requested in the Board's June 2 memorandum.

On June 30, 2010, the Vermont Department of Public Service ("Department") requested an extension of time, until July 9, 2010, to comment on the proposed project. The Department indicated that it had been informed that the Applicant intended to file for approval of the proposed project under the recently-enacted simplified procedures.

On July 7, 2010, the Applicant filed a letter¹ with the Board requesting that the Board review the petition pursuant to the recently-enacted Public Act 159 (2010 VT., Adj. Sess.), which provided simplified permitting procedures for small renewable energy plants. Act 159 added 30 V.S.A. § 8007(a), which provides that:

The same application form, rules, and procedures that the board applies to net metering systems of 150 kilowatts (kW) or less under sections 219a and 248 of this title shall apply to the review under section 248 of this title of any renewable energy plant with a plant capacity of 150 kW or less and to the interconnection of such a plant with the system of a Vermont retail electricity provider. This requirement includes any waivers of criteria under section 248 of this title made pursuant to section 219a of this title.

The Applicant included a completed Application for a Certificate of Public Good for SPEED Standard-Offer Projects with a Plant Capacity of 150 kW or less ("Application") with its July 7 letter. The Applicant requested that the Board hold the 30 V.S.A. § 248(j) petition in abeyance pending the review of the simplified Application.

On July 8, 2010, the Department filed comments on the proposed project.² The Department declared that it had no objection to the petition, and requested that a condition be

1. Letter from Karen Tyler, Esq., to Susan Hudson, Clerk of the Board, dated July 6, 2010.

2. Letter from John Beling, Esq., to Susan M. Hudson, Clerk of the Board, dated July 8, 2010.

included in the CPG that addresses what the Department characterized as the double counting of renewable energy credits ("RECs").

No other comments have been received from any other parties or interested persons.

III. FINDINGS

Based upon the Application and its accompanying documents, the Board makes the following findings in this matter.

1. The proposed project will be on property owned by the Applicant and located at 120 Billings Farm Road in White River Junction, Vermont. Application at Section 1.

2. The proposed generating facility is to be erected on the roof of an existing structure. Application at Section 4.

3. The proposed project consists of a photovoltaic electrical generation system with a system-rated output of 30.096 kW AC. The facility will be interconnected with the Green Mountain Power Corporation electrical distribution system. Application at Section 4 and attachment.

4. The proposed project is being developed under the Sustainably Priced Energy Enterprise Development ("SPEED") standard-offer program. A standard-offer contract has been executed between the SPEED Facilitator and the Applicant. Tofel pf. at 3-4.

5. The standard-offer contract provides for the sale of the proposed project output and other attributes at a fixed price of \$ 0.30 per kWh for a period of 25 years. Tofel pf. at 8.

6. The Applicant has certified that the project is in compliance with all of the provisions of Section 3 of the application. Based on these submissions, we conclude that the project does not raise a significant issue with respect to the environmental criteria of 30 V.S.A. § 248. Application at Section 3.

7. The Applicant has certified compliance with the insurance requirements as set forth in Section 3 of the application. Application at Section 3.

IV. DISCUSSION

In its July 8, 2010, filing the Department submitted language for a condition that it requested be included in the CPG. The condition would have the petitioner acknowledge that it has sold all of the products directly attributable to renewable electricity production and thus

would not cause any RECs or other environmental attributes to be double-counted. With respect to the Department's requested condition regarding the double-counting of RECs, the Department made a similar request in Docket 7614, *Petition of Brattleboro Carbon Harvest, LLC*. In that docket, the Board determined that "the CPG should not include any conditions requiring disclosures addressing the transfer of the renewable attributes associated with the proposed project" and that "this issue is more appropriately addressed in Docket 7533, establishing a standard-offer program for qualifying SPEED resources³." We reach the same conclusion, for the same reason, here. As in Docket 7614, instead of the Department's proposed condition, we will include a condition requiring the Applicant to comply with any applicable disclosure requirements that are established in other proceedings, including Docket 7533, and Board Rules.

V. CONCLUSION

Pursuant to 30 V.S.A. § 8007(a), all small renewable energy plants of 150 kW or less in capacity may utilize the streamlined application and interconnection procedures developed for net metering systems under 30 V.S.A. § 219a and Board Rule 5.100.

Based upon the findings and evidence, the proposed small renewable energy project meets the requirements of Board Rule 5.100, the application does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, and the proposed project will promote the general good of the state.

VI. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The proposed photovoltaic system, constructed and operated in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. §§ 219a, 248, and 8007(a), and a certificate of public good to that effect shall be issued in this matter.

3. *Petition of Brattleboro Carbon Harvest, LLC*, Docket 7622, Order of July 8, 2010, at 17.

2. Construction, operation, and maintenance of the proposed project shall be in accordance with the plans and representations as submitted in this proceeding. Any material deviation from these plans must be approved by the Board.

3. The proposed project is hereby certified as a Sustainably Priced Energy Enterprise Development (SPEED) project.

4. Advance Transit, Inc. shall comply with any applicable requirements regarding the disclosure of renewable attributes that are established in other proceedings, including Docket 7533, and Board Rules.

DATED at Montpelier, Vermont, this 9th day of August, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: August 9, 2010

Attest: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.